THE HON'BLE MS JUSTICE G. ROHINI

W.P.No.3710 of 2006

Dated: 13-06-2006

Between:

Dwarampudi Krishna Reddy and others.

..Petitioners.

and

The Government of Andhra Pradesh, rep. by its Secretary, R & B Department, Secretariat, Saifabad, Hyderabad and others.

..Respondents.

THE HON'BLE MS JUSTICE G. ROHINI

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W.P.No.3710 of 2006

ORDER:

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The petitioners claim to be the residents of Aanaparthy village who are eking out their livelihood by carrying on agricultural works. In this writ petition, the petitioners seek a declaration that the alleged action of the respondents in issuing the G.O.Ms.No.40 Transport, Roads & Buildings (R.II) Department, dated 17-02-2005 to the extent of constructing flyover at Level Crossing

No.412, ILTD Road, Anaparthy, East Godavari District as arbitrary and illegal and violative of the fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India.

It is primarily contended by the petitioners that the alignment decided for the proposed flyover was not suitable and that the respondents have granted the administrative sanction without application of mind to the relevant factors.

The Superintendent Engineer, R &B Circle, Kakinada filed a detailed counter affidavit on behalf of the respondents stating that a decision was taken by the technical experts of the R & B Department as well as the Railway Department, who have taken into consideration all the relevant factors of cost viability and other advantages and disadvantages. The factors that have been taken into consideration while sanctioning the flyover were enumerated in

para 16 as under:

a. To construct the ROB at L.C.No.412/T is advantageous to the general public and the less number of structures will be damaged.

b. Both R & B Department and the Railways after taking all relevant factors into consideration came to the conclusion that the construction of ROB at LC 412/T is more viable.

c. Payment of compensation would be very less if the ROB was constructed at L.C.No.412/T than the construction of ROB at 413. The Grampanchayat also passed a resolution on 03-10-2002 to construct the over bridge at ILTD road railway crossing i.e. 412/T.

d. The Managing Director, A.P.R.D.C. in his letter dated 27-01-2003 has recommended for the construction of ROB at L.C.No.412/T

giving valid reasons.

The learned Government Pleader appearing for the respondents has brought to my notice that the petitioners 3,4,5 and 17 in this writ petition have also filed W.P.Nos.19965 , 21917, 21866 and 21915 of 2005 with similar prayer and the same were disposed of by this Court with a direction to follow the due process of law.

Hence, no further adjudication is necessary and the writ petition is accordingly dismissed. No costs.

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G. ROHINI, J

Dated: 13-06-2006

sj